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Letter dated 26 July 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 22 of resolution 1596 (2005), I have the honour to submit herewith the report of the Group of Experts on the Democratic Republic of the Congo.

I would appreciate it if this letter, together with its enclosure, were to be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Abdallah **Baali**
Chairman
Security Council Committee established pursuant
to resolution 1533 (2004) concerning the
Democratic Republic of the Congo

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Annex

Letter dated 5 July 2005 from the Chairman of the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1596 (2005)

On behalf of the members of the Group of Experts on the Democratic Republic of the Congo, I have the honour to transmit herewith the report of the Group of Experts, in accordance with paragraph 22 of Security Council resolution 1596 (2005).

(*Signed*) Ibra Déguène **Ka** (Chairman)
Kathi Lynn **Austin**
Enrico **Carisch**
Aboulaye **Cissoko**
Jean Luc **Gallet**

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Abbreviations

ANC	Armée nationale congolaise
CAGL	Compagnie aérienne des Grands Lacs
FAPC/UCD	Forces armées du peuple congolais
FARDC	Forces armées de la République démocratique du Congo
FDLR	Forces de libération du Rwanda
FEC	Fédération des entreprises du Congo
FNI	Front des nationalistes et intégrationnistes
FPDC	Forces populaires pour la démocratie au Congo
FRPI	Front de résistance patriotique du Congo
GLBC	Great Lakes Business Company
ICAO	International Civil Aviation Organization
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo
PUSIC	Parti pour l'unité et la sauvergarde de l'integrité du Congo
RDF	Rwandan Defence Forces
SMI	*structure militaire d'intégration*
UNCTAD	United Nations Conference on Trade and Development
UPC	Union des patriotes congolais

Summary

1. The short length of the Group's mandate compelled the Group of Experts to narrowly focus on a limited number of issues. The Group has not been able to collect irrefutable evidence of new violations of the arms embargo, although it has initiated an investigation into a suspected shipment of dual-use material crossing the border between Zambia and the Democratic Republic of the Congo.

2. The Group continues to receive reports of ongoing weapons flows and illegal armed group activities in the Democratic Republic of the Congo and neighbouring States. It has been unable, however, to conduct investigations into the specific methods used to acquire, transport, transfer and finance those activities, or the procurement of associated military material.

3. The border between Ituri and Uganda remains porous. The extent to which armed groups receive logistical support and arms shipments across the border must thus be further investigated. The insufficient control of the airspace of the Democratic Republic of the Congo and landing sites in Ituri and the way in which arms embargo violators profit from this requires ongoing investigation.

4. The Transitional Government with the support of MONUC is in the process of reasserting its authority over the border, in particular in Ituri district. This is evidenced by the stationing of 27 border control officials of the Office des Douanes et Accises at critical border crossings with Uganda. However, during its inspection of the Ituri border crossings at Aru and Ariwara, the Group found the Government's authority to be weak and undermined by the overpowering presence of illicit commercial networks with ties to dissident Ituri armed group factions.

5. The weak border controls allow for lucrative alliances between leaders of armed groups and unscrupulous businessmen, and the diversion of wealth to fund their arms-related activities and their destabilization efforts in the eastern Democratic Republic of the Congo. The Group found for example that traders associated with FEC (Fédération des enterprises du Congo) in Aru territory use their influence to perpetuate a climate of illegality which enables them to maintain the infrastructure required in support of embargoed parties.

6. The Group has information on a number of former Ituri armed group leaders who are either in the custody of the Transitional Government in Kinshasa or have agreed to participate in the disarmament and community reintegration process. The Group interviewed some of those individuals, in particular Jérôme Kakwavu, the former leader of FAPC, and is not convinced that his newfound loyalty to FARDC is genuine. Evidence gathered by the Group strongly suggests that Jérôme continues to control his Ituri-based extortion networks, through which he has accumulated substantial wealth.

7. While the Group has received satisfactory assistance from the concerned Governments in its investigation of the operations of civil aviation, it concludes that the supervision of the operations by the authorities of the Democratic Republic of the Congo are of an unacceptably low standard. The standards of the civil aviation agencies of Uganda and Rwanda seem more acceptable to the Group.

8. The Group's interaction with the Governments of the Democratic Republic of the Congo, Uganda and Rwanda took place in a climate of enhanced cooperation and trust. Owing to the time constraints of the Group's mandate, the Transitional

Government did not have sufficient opportunity to fully satisfy the Group's requests for information.

9. While meetings with the Government of Uganda were conducted in a cooperative spirit, a number of the Group's requests for information were not satisfied. The Group was surprised to learn during its first meeting in Kampala that the Government had not received its notes verbales with attached questionnaires, despite their having been communicated to the Permanent Representative of Uganda to the United Nations on 11 June 2005.

10. The meetings with officials of the Government of Rwanda were likewise conducted in a constructive and open spirit. The Group, however, rejected attempts by the Government to include representatives of United Nations agencies in its meetings. With the exception of the area of civil aviation, little of the other information requested by the Group was provided.

11. In accordance with paragraph 28 of resolution 1493 (2003) and paragraph 6 of resolution 1533 (2004), the Group examined the financial means sustaining embargoed parties, including revenue generated from the trade of precious metals. In so doing, it reviewed all three Governments' statistics on production, import and export of precious metals and found significant inconsistencies. In cooperation with regional and multilateral authorities, the Group seeks to further investigate and find remedies for these problems.

I. Introduction

12. An arms embargo was imposed on the eastern Democratic Republic of the Congo pursuant to Security Council resolution 1493 (2003) for an initial period of 12 months. By resolution 1552 (2004) the Council renewed the arms embargo until 31 July 2005 in the light of the failure by the parties to comply with the provisions of resolution 1493 (2003).

13. On the basis of the recommendations formulated in the Group's second report, the Security Council on 18 April 2005, adopted resolution 1596 (2005), which significantly strengthens the monitoring mechanism, notably in the area of civil aviation and customs. Resolution 1596 (2005) extended the embargo to the entire Democratic Republic of the Congo, and helped to clarify the exemptions to the embargo.

14. The tasks to be performed by the Group of Experts, enumerated in paragraph 10 of resolution 1533 (2004), continue to apply, and in paragraph 3 of resolution 1596 (2005) MONUC and the Group of Experts were requested to continue to focus their monitoring activities in North and South Kivu and in Ituri. In paragraph 1 of resolution 1596 (2005) the Council reiterated the relevance to the Group's mandate of investigating financing or financial assistance related to military activities.

15. In resolution 1596 (2005) the Security Council reaffirmed measures established by paragraph 20 of resolution 1493 (2003), but extended their application to any recipient in the territory of the Democratic Republic of the Congo. Units of the police and army of the Democratic Republic of the Congo that have completed their integration, those that operate under the command of their respective *état-major integré*, or, for the units outside of the Kivu Provinces and Ituri district, those that are in the process of integration are exempted from those

measures. MONUC continues to be exempted from the embargo, as do supplies of non-lethal military equipment intended exclusively for humanitarian or protective purposes.

16. In the light of the above, the Security Council requested that the Group be augmented with a finance expert. In his letter dated 17 May 2005, the Secretary-General notified the President of the Security Council of the composition of the Group of Experts. Chaired by Ambassador Ibra Déguène Ka (Senegal), the Group consisted of Kathi Lynn Austin (United States of America), arms trafficking expert, Enrico Carisch (Switzerland), finance expert, Abdoulaye Cissoko (Mali), civil aviation expert and Jean Luc Gallet (France), customs expert.

17. The Group was also assisted by Alexander Rose, Political Affairs Officer, and one consultant, David Huxford.

18. The Group wishes to thank the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), in particular the Special Representative of the Secretary-General, William Lacy Swing, for the support it has received, both in terms of information and logistics. The Group of Experts will continue to value its cooperation with MONUC, and welcomes the recent establishment within MONUC of the Joint Mission Analysis Cell as a primary interlocutor. As a partner in the 3-tier monitoring mechanism, MONUC has provided the Group with useful baseline data and is now producing a daily arms embargo report. The Group finds of particular value the information MONUC has collected regarding aviation traffic at key airports and serial numbers of weapons captured or surrendered, in fulfilment of its mandate.

II. Methodology

19. Given the short time available to the Group to fulfil its mandate, it was decided in consultation with the sanctions Committee that it would consolidate a small number of case studies discussed in its previous reports, and further focus on the designation process of those found to have violated the embargo and those found to have supported them, for possible future measures to be taken by the Security Council, including travel ban and assets freeze. The Group focused on entities responsible for past violations of the arms embargo in Ituri which also continue to play a destabilizing role and are involved in activities propitious for future violations. Targeted sanctions may not only act as a deterrent but also assist in establishing a conducive environment for the extension of State control and the dismantling of networks that are not compliant with United Nations resolutions.

20. In view of time constraints, the Group could allocate only five weeks for field investigations and, as a result, was only able to perform primary research for one week each in Kinshasa, Kampala, Ituri district and Kigali. Some primary research was also conducted in London, Mombasa, Lubumbashi and Dubai. The Group elected to prioritize interaction with Governments, in particular in the Democratic Republic of the Congo, Rwanda and Uganda, diplomatic missions, MONUC, commercial entities, and other relevant primary sources.

21. In addition to the consolidation of cases related to past violations and the designation process, the Group verified the implementation of measures mandated by the Security Council, in particular in the areas of security sector reform, civil

aviation, and customs and border controls. Owing to the addition of a finance expert, the Group fine-tuned its understanding of the commercial networks, particularly in the trade in gold, that link Ituri armed groups and local businessmen to external markets.

22. During this mandate, the Group sent notes verbales requesting meetings and information to the Governments of Rwanda, the Democratic Republic of the Congo (both dated 2 June 2005) and Uganda (dated 10 June 2005), to which it attached, in line with past requests, comprehensive and detailed questionnaires. The Group continues to seek more proactive and open dialogue with States, and notes some positive developments. In its efforts to ensure due process, the Group visited the capitals of the three countries and held multiple meetings with representatives of each Government.

23. As in the past, the Group has endeavoured to meet the highest standard of evidence available to a non-judicial body. The Group has interviewed those named in the report, except when precluded from doing so for security reasons.

III. Background

24. Despite delays in the electoral process, the transition period has, on the surface, suffered fewer military and security upheavals since the beginning of 2005 than during the same period a year ago. When the Group arrived in Kinshasa, however, the political situation in the country was relatively tense, notably because of the protests of an opposition party against the extension of the period of transition. The draft constitution was approved by the National Assembly of the Democratic Republic of the Congo in May 2005 and is expected to be endorsed by popular vote. When adopted, the constitution and the electoral law will provide the framework for the upcoming elections. The Group maintains that the success of the electoral and political processes is intimately linked with progress in the integration of the army and security sector reform. For this reason, the Group considers that, during this interval, the international community should be vigilant, as different components inside and outside the Transitional Government may continue to independently stockpile arms and other military equipment to serve their own interests. For the same reason the Group perceives a strong need for the maintenance of uninterrupted monitoring of violations of the embargo, at least until the completion of the presidential elections.

25. The security situation in Ituri has changed noticeably over the last six months. Militia camps have been dismantled, while cordon and search operations have been reinforced. As a result, the disarmament and community reinsertion programme has taken some 15,500 Ituri armed group combatants out of the immediate rebellion and started funnelling them into civilian life or the rank and file of FARDC. Certain former leaders of the Ituri armed groups have already been incorporated into FARDC, while others are awaiting assignment to senior positions or remain under arrest in the custody of the Transitional Government.

26. Regional confidence-building mechanisms in the area of peace and security, including the Tripartite Commission and the Joint Verification Mechanism contribute to improving relations between the Democratic Republic of the Congo and its two easterly neighbours, Uganda and Rwanda.

27. These developments, albeit positive, should be considered against the backdrop of lesser accomplishments. Both the practical integration of FARDC and the process of Congolese disarmament, demobilization and reintegration are ominously slow. The professionalism of some newly integrated units is deteriorating, owing to a lack of logistical support and irregular payment of salaries. The future of the voluntary disarmament, demobilization, repatriation, reintegration, resettlement process in the Kivus remains uncertain and the initial optimism garnered by the Rome declaration of 31 March 2005 has not resulted in the peaceful return of FDLR to Rwanda as was widely hoped.

28. In Ituri, the success of disarmament and community reintegration notwithstanding, it is alleged that a significant group of hardcore renegades has formed new alliances out of previous Ituri armed group structures. Those renegades have pursued hostilities against MONUC, FARDC units and civilian populations. According to the allegations, neighbouring countries harbour dissident Ituri armed group leaders and allies, and tolerate meetings or training on their soil. These allegations continue to fuel deep mistrust in the region. The Group has not been able to independently investigate the allegations.

IV. Non-compliance and the scope of the problem

A. Ituri: trends and concerns

A new situation

29. Leaders of Ituri armed groups have repeatedly reneged in the past on commitments to cease military operations, in violation of the embargo. For instance, key groups, including FAPC/UCD, PUSIC, FRPI, FNI, FPDC, UPC and UPC-Kisembo, continued their military activities after having signed the Kinshasa Act of Engagement of 14 May 2004, which committed them to the transition and the disarmament and community reintegration process. Similarly, in spite of the decree of 11 December which incorporated Ituri militia commanders into FARDC, both FAPC and UPC-L continued to boycott the process, while other Ituri armed groups continued military operations leading to a significant number of civilian casualties, as well as the deaths of United Nations peacekeepers.

30. In the face of the intransigence of the Ituri armed groups, MONUC adopted a more robust posture in dealing with them and exerted additional pressure on the Transitional Government to act firmly. Several armed group leaders were arrested in Kinshasa by the Transitional Government, including the President of FNI, Floribert Njabu, and its military leaders, Goda Sukpa and Etienne Lona, and the head of UPC-L, Thomas Lubanga, in March 2005. Subsequently Chief Kahwa of PUSIC was also arrested in Bunia. Other Ituri armed group leaders, including Brigadier General Jérôme Kakwavu and Floribert Kisembo, were summoned to Kinshasa, where they await a posting in FARDC.

31. These advances notwithstanding, the security situation continues to be volatile in Ituri for a number of reasons, of which the following are of particular concern to the Group. First, constraints in the disarmament and community reintegration programme create a pool of disgruntled demobilized soldiers who are potential candidates for remobilization outside FARDC. Secondly, former leaders of armed

groups are in a position to continue influencing their loyal forces in the field. Thirdly, there are a significant number of allegations concerning the coalescing of dissident factions of former Ituri armed groups, and newly emerging resupply corridors. Finally, it is alleged that foreign actors have provided support to the dissident factions and that those groups make use of neighbouring States for transiting, regrouping and training.

The disarmament and community reintegration process is incomplete

32. Approximately 15,500 combatants from Ituri armed groups have been registered and 6,200 weapons have been surrendered in the disarmament and community reintegration process that officially expired on 31 March 2005. Additional combatants were accepted after that date. However, several key dissident factions and their leaders opted to remain outside the process altogether. Those entities have become more hostile towards, and are conducting military actions against, FARDC, MONUC, civilian populations, and international organizations.

33. The dissident factions have a pool of potential candidates to recruit from. For instance, the Group has received information about disarmed militiamen reverting to militia activities in reaction to their inability to sustain themselves and their families while awaiting incentives under the disarmament and community reintegration programme. Further, reports have been received which indicate that money is being offered to re-recruit ex-FAPC militia in such border areas as Aru and Mahagi territories. While the Group could not confirm the recruitment activities, it spoke with military and civilian sources based in Aru. They claimed that some recruiters, including Ugandan nationals, had been arrested for their recruitment activities or for spying at the behest of ex-FAPC elements based in Uganda. The Group notes that militia elements are still dispersed among certain local populations and may continue to recruit from affected communities.

Former leaders of Ituri armed groups continue to wield influence

34. The Group is concerned by the continued influence exerted by high-ranking officers of the former Ituri armed groups over their men, even as they await full integration into the ranks of FARDC. It is unclear what mechanisms have been instituted to ensure that such officers, and their men, are not redeployed to Ituri district as initially agreed. For instance, considerable concern has been raised by the possible deployment of ex-ANC and ex-FAPC troops in Ituri, particularly in the Ninety-fourth Brigade, which operates under the command of the Ninth Military Region Commander, and in Aru and Mahagi territories.

35. Ex-FAPC officers currently based in Kisangani have influenced the hierarchy of the Ninth Military Region to intervene in the territorial affairs of Aru, as evidenced in a cigarette smuggling case discussed below. Whether imprisoned or integrated into FARDC, former Ituri armed group leaders can still exert influence over their militias through the control of assets and loyal constituents. In addition, they may still be in contact with the hard-line elements in their militias.

Alliances and new supply routes

36. The Group has received solid reports based on interviews in Kinshasa and Ituri district and in neighbouring countries, which indicate that various dissident factions of the Ituri armed groups are coalescing and forming new alliances around a

commonality of purpose, in opposition to the Transitional Government, FARDC and MONUC. The Group has been unable to investigate the allegations independently, because of time constraints, but notes that such alliances are not new to Ituri district. In the past, the Group has documented negotiated settlements between FAPC, UPC and FNI over the sharing of territory and revenue sources.

37. On the basis of its collection of data, the Group notes new circumstances giving rise to joint arrangements. More highly mobile than in the past because of increased deployments of FARDC and MONUC, the dissident groups are utilizing overlapping corridors for access to needed supplies. In view of the extension of State structures at key border crossings, however weak and incomplete, former supply entry points are less effectual, resulting in a shift to more remote areas. Another result is the rise to prominence of experienced smugglers, such as the FNI commander Peter "Karim" Ugada, among the dissident forces.

38. The Group notes the progress being made to further weaken supply lines for some of the dissident militia. For example, PUSIC control over Tchomia and Kasenyi ports has been undermined, particularly with the arrest of Chief Kahwa, the leader of PUSIC. The movement of goods across Lake Albert at those junctures is to a limited degree better monitored, thanks to the slow introduction of central Government, Customs services, FARDC marine patrols, and the presence of MONUC.

39. Similarly, UPC-L, FNI and ex-FAPC dissident forces are no longer in direct control of major border crossings, including Aru and Mahagi. The Group documented heavy fighting between FARDC and UPC-L and ex-FAPC remnants in the region around Berunda, which serves as a major gateway between Mongbwalu and Mahagi and Aru territories. Progress is also being made in Mongbwalu, where some 120 peacekeepers have been deployed and have started inspecting incoming aircraft.

Connections with neighbouring States

40. According to reliable reports, leaders of dissident factions in conjunction with other Congolese dissidents have held operational meetings in Uganda and Rwanda for the purpose of resisting the transition and peace process in the Democratic Republic of the Congo. The Group asked the Governments of Uganda and Rwanda to investigate those allegations, including the activities of the individuals and other specifics. Both Governments assured the Group that no such meetings had been held on their territories.

41. The Group has asked the Government of Uganda in writing and orally over a period of three mandates to provide it with detailed information pertaining to meetings between Ugandan Government officials, Ituri armed group leaders and other dissidents, which Uganda claims were for the purpose of the peace process in the Democratic Republic of the Congo. The Group is still waiting for this information from Uganda.

42. Uganda has informed the Group that a number of former FAPC combatants, including Colonel Ali Mbuzi and Major Ramazani Barume Rams, are seeking political asylum. Their applications are being considered by an Eligibility Committee, which operates under the auspices of the Prime Minister's Office. The Group requested information on those asylum-seekers from the Government of Uganda. It has yet to be provided.

B Consolidation of cases studies and pending issues

Colonel Jules Mutebutsi

43. Colonel Jules Mutebutsi and a number of his men continue to be housed in Coko camp in Rwanda. The Government of Rwanda has given its assurance that Mutebutsi and his men will not be allowed to threaten the territory of the Democratic Republic of the Congo. The Government of Rwanda does not view the dissident forces as prisoners and accepts that they have a degree of freedom of movement. The Government reported that some of the former combatants have committed infractions on Rwandan territory, and have been arrested and disciplined for their actions. The Group has repeatedly requested the Government for a detailed identification list pertaining to Colonel Mutebutsi and his men. To date, this information has not been provided, nor has an inventory of or access to Colonel Mutebutsi's weapons been granted. The Group recommends that the Democratic Republic of the Congo issue an extradition request in line with international norms.

General Laurent Nkunda

44. Although the present whereabouts of Laurent Nkunda are unknown, the Group believes that the Transitional Government should use all necessary measures to locate him and address the issue of his ongoing impunity. The Group has asked the Government of Rwanda for assistance in investigating Nkunda's activities on Rwandan territory, which the Group had concluded to be in violation of the arms embargo. The Group has requested Rwandan immigration records pertaining to Nkunda's visits and clarifications as to his activities. This information has yet to be provided.

The case of the Great Lakes Business Company/Compagnie Aérienne des Grands Lacs

45. During discussions the Group had with Democratic Republic of the Congo Government officials, where the members expressed concern that Dimitri Popov had used two separate Russian passports on different occasions in the Democratic Republic of the Congo, the Group was provided with information that confirmed the business link between Mr. Popov and Douglas Mpano, and Popov's subsequent expulsion from the Democratic Republic of the Congo, owing in part to his association with the sanctions-busting network of Victor Bout. According to Government sources, Mr. Popov met with officials in 2003 in order to obtain licences for his associate Mr. Mpano to operate GLBC/CAGL, an aviation company in which Mr. Popov is an important shareholder. The Group was further informed that the Transitional Government had not, to date, conducted a special inquiry or taken measures against those individuals and entities for their role in violating the embargo.

46. The Group also asked for assistance from the Government of Rwanda in collecting information pertaining to the business partners of GLBC/CAGL, Sandra Severin and Mr. Mpano, both of whom were referred to in the Group's previous reports, as well as in facilitating meetings with them. The Group was informed by the Government that neither lived in Rwanda or held business operations or aviation assets there. The Government has made itself available to the Group for a joint investigation into their activities at a future date, and the Group looks forward to this collaboration.

AngloGold Ashanti

47. The Group takes note of the letter addressed by AngloGold Ashanti to the Secretary-General on 21 June 2005. The Group wishes to recall that, owing to time constraints, it has not been in a position to further its investigations into the activities of AngloGold Ashanti in the Democratic Republic of the Congo during this mandate. The Group is satisfied that AngloGold Ashanti has offered its full cooperation and intends to meet with representatives of that company at a future date.

C. Implementation

Imports of arms and related material

48. In a letter dated 31 May 2005, the Permanent Representative of the Democratic Republic of the Congo notified the sanctions Committee of six designated receiving sites for the authorized shipment of arms and related material. The six sites are the port of Matadi, the cities of Kinshasa, Kisangani and Lubumbashi, and the military bases of Kamina (Katanga Province) and Kitona (Bas-Congo Province). The sites are all positioned outside of Ituri district and the Kivu Provinces. The Group notes, however, that the Transitional Government did not coordinate the designation of the sites with MONUC as required under paragraph 4 of resolution 1596 (2005). The Group is not aware of any notification to the Committee of arms shipments as required under resolution 1596 (2005), except in the cases of Switzerland (27 April 2005), the United Kingdom (20 May 2005) and Denmark (7 June 2005), which notified the Committee of transfers of non-lethal military equipment to the Democratic Republic of the Congo. The Minister of Defence of the Democratic Republic of the Congo informed the Group that weapons imports from the Czech Republic were being held up due to constraints posed by United Nations resolutions. The Group has written to the Government of the Democratic Republic of the Congo seeking clarification on this matter.

49. MONUC informed the Group of a suspect case of importation of helicopter parts that were intercepted at the Kasumbaleza customs post at the Zambian border en route to Lubumbashi. MONUC initiated the seizure of the consignments by the Transitional Government in order to facilitate a full investigation. The spare parts included helicopter rotors, tail sections, engines, cockpits and other sundry parts for four Kanov-26 helicopters. The KA-26 is recognized as a dual-use aircraft by its manufacturer. The parts were exported by a Bulgarian company and destined for Bulgaria-Congo Business (Bulco), which is based in the Democratic Republic of the Congo. The intended end use of the helicopter parts is not clear to the Group. MONUC and the Group are currently working together to investigate this case in accordance with their respective mandates.

Demobilization and *brassage*

50. The Group considers a well integrated, organized, regularly paid and disciplined Congolese army to be one of the most important factors in the stabilization of the eastern Democratic Republic of the Congo. It welcomes the first steps taken in security sector reform, disarmament, demobilization, reinsertion, and *brassage* of FARDC units. The Group is concerned, however, that continued delays in the implementation of the national disarmament, demobilization, reinsertion plan

unnecessarily prolong and further degrade an already unstable security situation throughout the country.

51. The Group has been informed of cases of inadequate weapons storage and security procedures in some *centres de brassage*. At Luberizi and Nyaleke the deployment of soldiers to the sites before sufficient infrastructure was in place prevented secure disarmament and weapon storage. The Group recommends that all weapons involved in the demobilization and *brassage* processes be adequately stockpiled and inventoried. This will not only be instrumental in curbing the diversion and recycling of weapons, it will also provide the Group with baseline data for monitoring new weapon inflows. The Group notes that progress has been made on an initial SMI project supported by South Africa to register FARDC soldiers and their weapons, and the Group has requested the Transitional Government for access to this data.

52. Irregular payment of salaries and inadequate logistical and supply provisions to soldiers in both the *centres de brassage* and the wider FARDC continue to threaten stability in the Democratic Republic of the Congo. The Group is concerned by the deteriorating state of the First Integrated Brigade, owing to inadequate support. Insufficient State support for the armed forces weakens the chain of command, encourages criminal activities that include the support of or arms transfers to embargoed parties, and prolongs the existence of a permissive environment for the traffic of arms.

Disarmament and community reintegration

53. The disarmament and community reintegration process has received strong support from MONUC and, despite the aforementioned pattern of intransigence among some Ituri armed group factions, has achieved significant results. While some militia forces still resist the process, approximately 15,500 former combatants have entered the programme and more than 6,200 weapons in Ituri have been collected. The Group remains concerned about Ituri armed group weapons that are still hidden or have been transferred to dissident militia forces. It is noted that only the ex-FAPC handed in significant stockpiles of heavy weapons, and it is likely that heavy weaponry from other sources has been transferred to residual active forces.

Disarmament, demobilization, repatriation, reintegration and resettlement

54. The Group is aware that a large destabilizing factor in the Democratic Republic of the Congo is the continued use of the territory by foreign armed groups. The largest of these, FDLR, issued a statement in Rome on 31 March 2005 by which it renounced the use of force and offensive action against Rwanda. The Group is not yet aware of any substantive change in the disposition of FDLR forces and consequently notes that FDLR continues to flout the embargo by its refusal to disarm.

55. The Group also notes that the Transitional Government needs to take a more proactive stance to encourage FDLR to return to Rwanda as well as to prevent co-location and diversion of supplies to those forces by FARDC as previously documented by the Group of Experts. The Group was informed by the Transitional Government that as yet no inquiries or actions had been carried out in response to the Group's documentation of FARDC non-compliance with the embargo during its previous mandate.

Tripartite Commission and Joint Verification Mechanism

56. The Group reiterates that the Tripartite Commission and the Joint Verification Mechanism are important mechanisms for monitoring the arms embargo and building confidence among neighbouring States. The Group considers that these forums may also be used effectively for strengthening embargo enforcement and improving compliance with Security Council resolutions.

57. The Group has asked the relevant Governments for detailed dossiers pertaining to allegations that it has brought before the Tripartite Commission and the Joint Verification Mechanism, so that it can independently investigate allegations of non-compliance with the embargo. To date, the Group has been provided with the official statements of the bodies, and awaits further information from the relevant authorities.

V. Issues relating to customs and immigration

A. Developments and implementation

58. A recent study by a private organization indicates that 80 per cent of Customs taxes and duties remain uncollected. A similar survey by UNCTAD put that loss at 60 per cent. The Director of the Office des Douanes et Accises explained to the Group that he assumes that only 5 per cent of potential Customs taxes and duties are collected despite significant efforts to boost the results of the border controls. Total revenue generated by Customs services has fluctuated from US$ 300 million in 1990 to $70 million in 1994 and to $260 million in 2004. Revenue is projected to amount to $300 million for 2005. If in fact the latest result of Customs collection efforts represents only a small percentage of the income potential, the State is currently forced to forgo several billions of dollars.

59. The Customs and immigration situation in Ituri district has improved slightly. State Customs and immigration administration was extended to Aru and Mahagi territories in May 2005, and 27 Customs officials have been appointed by the Governor of Province Orientale to supervise activities, in particular along Ituri's borders with Uganda. A small percentage of Customs revenue is starting to trickle back to Bunia along official channels. However, the majority of Customs-generated revenue will continue to flow through illegal or parallel channels until State authority is more firmly established and logistical and security concerns are addressed. Indeed, a significant amount of potential revenue is not generated owing to logistical deficiencies, including inadequate paperwork. In some areas, Customs offices have had to be shut down at times because of security concerns.

60. The influence of former Ituri armed groups continues to be exerted in some areas over collection of revenue and control of the movement of goods. For instance, the Group is aware that ex-FAPC-designated Customs officers are forcibly accompanying vehicles from the interior to border posts with a view to extorting money from the drivers. The Group has received a list of 104 ex-FAPC officers, also known as *Nouvelles unités*, some of whom are alleged to be involved in these activities. In former PUSIC-held territory, in particular Tchomia and Kasenyi, some Customs officers have maintained ties with PUSIC. Some Customs-generated

revenue continues to be diverted to PUSIC, despite the imprisonment of the former leader, Chief Kahwa.

61. With regard to Uganda, the Group recognizes efforts made by the Government of Uganda to improve the monitoring and control over its border with the Democratic Republic of the Congo, and notes that contacts are under way with officials in the Democratic Republic of the Congo to establish a memorandum of understanding for the control of goods. The Group also understands that part of the reason why illicit trafficking continues across the Uganda-Democratic Republic of the Congo border is a lack of capacity to effectively monitor all border points. In the field, the Group was allowed to cross the border from Ituri into Aru on 25 June in an unmarked car without being checked or having its passports stamped. It had to drive some 20 kilometres south to obtain an official entry stamp.

62. The Group was unable to assess the situation along the border Rwanda shares with the Democratic Republic of the Congo owing to time constraints, and is not in a position to comment on Rwandan implementation of Customs-related measures.

B. Aru territory and cross-border networks

63. During its visit to Aru and Ariwara, the Group was able to observe the tenuous security situation which remains despite the wide-scale disarmament of General Jérôme's FAPC forces. Although in Kinshasa, Jérôme is reportedly still in contact with his business partners in Aru territory, including Ozia Mazio and James Nyakuni, and continues to wield influence over core elements of his former armed group, including senior military officers incorporated into FARDC posts. Former high-ranking FAPC officers who opted for integration into FARDC have been posted outside Aru territory, many of them being sent to Beni and Kisangani.

64. Of the registered FAPC combatants, approximately 624 chose military integration into FARDC. In an arrangement with the Transitional Government, MONUC removed some 257 of them. The Government has yet to fulfil its commitment to transport the remaining men out of Ituri district. In the meantime, those 354 ex-FAPC combatants have been living in a FARDC camp for over three months, and are reliant for their day-to-day subsistence on the limited rations of the approximately 250 FARDC troops based there. As indicated earlier, these ex-FAPC combatants, as well as those elements that were left out of the disarmament, demobilization, reinsertion process because they arrived after the deadline or were not recognized as former FAPC combatants, could serve as potential recruits for the various dissident factions that have remained active in the north-west and south-west of the territory, if they are not otherwise oriented.

65. Local authorities and members of civil society informed the Group that they remain fearful of a potential reactivation of military operations by ex-FAPC elements in Aru territory with a view to restoring more favourable taxation and tariff regimes. Aru authorities conducted a special investigation into recent pillaging and harassment activities carried out against the local population in Kengezii. The authorities documented that this involved dissident FAPC elements. The Group has a copy of the report issued by the Aru authorities but has not been able to confirm the findings independently.

The case of Ozia Mazio and the Fédération des entreprises du Congo

66. In its previous report, the Group highlighted the role of Congolese businessman Ozia Mazio in violating the arms embargo. During an interview with Mr. Mazio in Kinshasa, the Group inquired into his arrangements with Commandant Jérôme and the cross-border gold trade. Mr. Mazio explained that he was compelled to sustain Jérôme and his rebels and that he had never dealt in gold. The Group has continued, however, to gather testimony that Mr. Mazio was not a victim but a key architect of Commandant Jérôme's economic interests.

67. During this mandate, the Group obtained complete documentation for Mr. Mazio's gold exports to Kampala, which average between 15 and 18 kg every 10 days. According to those documents and a number of witnesses, Mr. Mazio is consolidating gold consignments from a number of smaller gold dealers.

68. Based in Aru territory, Mr. Mazio entered into a privileged relationship with Commandant Jérôme. With Jérôme commanding all border control regulations, Mr. Mazio was able to secure reduced tariffs and Customs duties for himself and a selected number of fellow members of the Fédération des entreprises du Congo. The relationship between Commandant Jérôme and FEC, which includes some 80 local businessmen, is unscrupulous but lucrative.

69. Mr. Mazio helped to organize the pre-financing scheme, which is a de facto requisitioning scheme allowing Jérôme and his troops to have ready access to cash and supplies. The Group has in its possession an FAPC ledger which proves the direct role Mr. Mazio played in supplying FAPC with such cash and supplies.

70. During his interview with the Group, Mr. Mazio admitted to having benefited from the pre-financing system. He also volunteered the information that 20 per cent of the value of imports went directly into the coffers of FAPC, and that FAPC had diverted up to 70 per cent of all territorial tax revenue for 2004. As a key architect of the pre-financing scheme, Mr. Mazio also facilitated the cross-border smuggling activities of a closely knit network, including selected officers of FAPC, members of FEC, Ugandan businessmen, Ugandan officials and internationally linked commercial entities. The smuggling ring not only helped to financially and militarily sustain FAPC troops in Aru territory but also created linkages and a permissive environment for the trafficking of weapons across the borders between the Democratic Republic of the Congo and Uganda and the Sudan.

71. Mr. Mazio's detrimental influence on peace and stability in the Ituri region is currently of grave concern as the Congolese State begins to reassert its authority over Aru territory. The limited FARDC contingent, and newly appointed political and administrative authorities, are having to contend with the subversive activities of Mr. Mazio, his FEC backers and the youthful vigilante groups that support him.

72. On 8 March 2005, the Governor of Province Orientale issued an instruction to put an end to illicit pre-financing activities. Concerned that they would lose past privileges, Mr. Mazio and his allies have resisted the restoration of normal fiscal and border practices. This has included, for example, organizing a blockade of Aru and Ariwara border posts in Uganda for several weeks.

73. On 1 April 2005, after the departure of Commandant Jérôme from Ituri district, Mr. Mazio issued a list, of which the Group has a copy, of outstanding reimbursements for some $2,002,750 that the 80 FEC members claim they are owed

from uncompensated pre-financing transactions with Jérôme. Mr. Mazio is not charging this debt to Commandant Jérôme but to the Transitional Government in Kinshasa.

James Nyakuni and the Ugandan military

74. Around mid-June 2005, FEC members pressured the authorities of Ariwara to release a large consignment of cigarettes that were seized by the border control authorities after they were illegally smuggled into the Democratic Republic of the Congo by Ugandan businessmen James Nyakuni and Francis Mugabe. The consignment involved approximately 9,000 cases of Supermatch cigarettes, which were not disclosed as tobacco deliveries and did not carry the tax stamps and health warning labels required under Congolese law. According to the headquarters of the Office des Douanes et Accises in Kinshasa, the excise taxes for the smuggled cigarettes amount to approximately $230,000.

75. After the shipment was seized by Customs agents in Aru, the cigarettes were secured by FARDC forces in Ariwara. The commander of the Ugandan military forces in Aru, among others, physically attempted to break the container seals before threatening the local authorities that Uganda would intervene militarily if the cigarette consignment was not released. Local authorities conceded in order to preserve stability in Aru territory, merely requesting that Nyakuni and Mugabe pay a tax forfeit in compensation.

VI. Financial issues affecting peace and security in the eastern Democratic Republic of the Congo

A. Usurpation of legitimate commerce

76. Ituri-based businessmen have all acknowledged to the Group that the traditional trading network with businesses located in Uganda and points beyond has not been interrupted by the violence and banditry of the Ituri armed group leaders and their militias. In fact, the only perceptible change is that instead of the legitimate authorities of the Democratic Republic of the Congo, Commandant Jérôme has been collecting import and export taxes as part of his quasi-governmental authority that the Group has described in previous reports as a pre-financing scheme. During this mandate, Jérôme's systematic extortion of the local economy has again been confirmed. One businessman related to the Group how Jérôme had requisitioned a used Land Rover and a used Hi-Lux pick-up truck. Jérôme "compensated" for the requisitioning by grating future Customs duty abatements to the trader. For example, the trader was not required to pay Jérôme taxes of $1,500 per container of sugar or batteries until Jérôme considered that the trader had received a sufficient amount in abatements in exchange for the two requisitioned vehicles.

77. In addition, MONUC investigations of the past six months have confirmed the existence of a harmful partnership between local representatives of government agencies and Ituri armed group leaders, under which they share extorted taxations and border duties. In most reported cases rebels and Ituri armed group leaders take over 50 per cent of the extorted taxations.

B. Climate of impunity

78. In addition to corruption of all trade by the extorting presence of Commandant Jérôme and other Ituri armed group leaders, their overall destabilizing effect has depressed the value of the Congolese franc to the point where the currency will not be accepted as an instrument of payment outside the Democratic Republic of the Congo. To overcome this disadvantage, a complex chain of trading relationships has developed, which uses locally exploited gold as the main currency for external trade. A few specialized gold traders based in Kampala accept the scrap gold for conversion into United States dollars.

79. Those Ugandan traders assist the Ituri traders in their purchases of foodstuffs and consumer products by remitting their payments to suppliers located all over the world. The Group has reviewed the detailed bookkeeping and bank instructions the Kampala traders maintain for this purpose. In investigating these complex trade relationships, the Group has assembled one complete set of commercial documents that reflects:

- The consolidation of gold deliveries from Ituri with a value of $1.3 million
- The sale of that gold consignment to a Kampala-based trader
- The sale of the same shipment to the Jersey, Channel Islands, based trader Hussar Ltd., and the order to the Swiss-based gold refinery Argor Heraus
- Cash receipts and invoices to the Ituri-based traders compensating the $1.3 million gold shipment by the Kampala trading firm
- Bank remittances to the suppliers by the Kampala firm on behalf of the Ituri traders.

The role played by these Ugandan traders was illustrated in a written submission to the Group. The Government of Uganda claims that 50 per cent of the population of the eastern Democratic Republic of the Congo depends on mining activities.

80. The relationship between the Ituri and Kampala traders is maintained by no more than two dozen Congolese who are able to consolidate sufficient quantities of gold to justify a trip from Ituri to Kampala every 10 days. The Group of Experts was able to review the documentation of most gold exports from Ituri. With 50 kg of gold every 10 days, Kisoni Kambale, who has been described for his embargo violations in connection with FNI in previous reports of the Group, is by far the most significant gold trader of Ituri. Ozia Mazio is the second largest, with exports of about 15 to 20 kg. According to the Ministry of Mining of the Democratic Republic of the Congo, neither Mr. Kisoni nor Mr. Ozia is licensed to export gold. The Group was not in a position to verify whether the gold exploration preceding those exports, whether artisanal or industrialized, was conducted with proper licensing or conformed to international labour law standards.

C. Dilemmas with regard to Uganda and Rwanda

81. In accordance with paragraph 28 of Security Council resolution 1493 (2003) and paragraph 6 of resolution 1533 (2004), the Group submitted in a note verbale to the Government of Rwanda dated 1 June 2005 a request to provide all available data on domestic cassiterite production over the last three years, as well as the overall

imports and exports of cassiterite. Also pursuant to those resolutions, a request was presented to the Government of Uganda in a note verbale from the Group dated 11 June 2005 in regard to imports, exports and local production of gold. Neither Government had any responsive information prepared to those requests when the Group arrived for the first meetings in their capitals. After repeated verbal requests and explanations the Group did receive some data, none of which satisfied the Group's original requests.

Ugandan gold

82. As base data for the comparisons of losses to the economy and national treasury of the Democratic Republic of the Congo, the Group has accepted the annual gold export data for 2004 that was released by the newly established Congolese parastatal agency, the Centre d'evaluation, d'expertise et de certification. According to that release, during 2004 the Democratic Republic of the Congo exported 647.85 kg of gold with a value of $7.45 million. However, the Group found in the documentation of the largest gold trading company based in Kampala alone a monthly turnover of 300 kg to 350 kg of Congo gold per month, or 3,600 kg to 4,200 kg per year. Combined with the two additional Kampala-based trading companies that are known to the Group to deal almost exclusively in Congo gold, the true annual total for the exports of the Democratic Republic of the Congo to Uganda increases from 5,400 kg to 6,000 kg, with a trading value of well over $60 million. The data collected by the Group essentially matches and confirms the statistical material released by the Bank of Uganda:

Bank of Uganda statistics of gold exports

(Millions of United States dollars)

1992/93	0.00	1998/99	27.946
1993/94	0.96	1999/00	39.393
1994/95	12.44	2000/01	58.487
1995/96	35.15	2001/02	56.668
1996/97	110.537	2002/03	48.18
1997/98	25.453	2003/04	58.49

83. The Group faces a dilemma in regard to the long-standing contention by the Kampala authorities that much of the Ugandan gold derives from domestic mining. An analysis of the annual reporting of the Bank of Uganda reveals that before 1994/95 gold exportation was such a minimal component of the Ugandan economy that the Bank did not release any meaningful data, and that regular reporting of substantial export data commenced only with the Bank's annual report of 1998/99. Inexplicably, none of the publicly available reports that cover the period from 1997 to 2004 show gold imports into Uganda, or gold mining activities in Uganda. The origins of Uganda's gold become even more mystifying in the data provided to the Group during its most recent visit to Kampala. Under the heading "Gold exports, imports and production in tons as per permits issued", the Group received the following data:

	2000	2001	2002	2003	2004	2005
Gold exports	12.67705	6.27298	7.343671	4.162500	7.309000	2.78255
Gold imports	..	..	..	..	..	3.07868
Gold production	0.055980	0.000142	0.002565	0.032000	1.447000	..

84. According to the Kampala-based gold traders, the success of Uganda as a hub of Congo gold is no accident. Until 1994 the buying of gold was a monopolized right of the Bank of Uganda and, consequently, Congo gold was smuggled to Kenya, where the trade had already been liberalized. The Government of Uganda decided in 1994 to liberalize the gold trade, revoke the gold-export tax of 3 to 5 per cent, and relax all administrative burdens imposed on trading companies. Kampala quickly became the preferred trans-shipment stop for Congo gold originating in Ituri. Encouraged by this success, the Government of Uganda appears now to pursue foreign investors interested in establishing a Uganda-based gold refining facility, as announced in the State House news release of 18 June 2005. That desire may now be even further strengthened since gold refineries based in Switzerland and the United Arab Emirates announced early in June that they will no longer refine gold originating from the Democratic Republic of the Congo or Uganda. Their decision appears to be triggered by a report released by the non-governmental organization Human Rights Watch.

Rwandan cassiterite

85. The official Congolese export total for 2004 provided by the Centre d'evaluation, d'expertise et de certification in Kinshasa amounts to 6,098 tons of cassiterite with a value of $5,033,839. This is distinctly lower than the recent figures Rwanda reports for its cassiterite exports. According to the most recent data released by the Banque du Rwanda, earnings from exports of cassiterite are as follows:

	Quantity (tons)	Value (millions of Rwandan francs)
1993	653	220
1994	358	74
1995	246	256
1996	330	249
1997	327	295
1998	189	131
1999	31	28
2000	0	0
2001	553	502
2002	669	674
2003	1 458	2 444
2004	3 553	9 145

The data from the Banque du Rwanda does not match the data the Group was given by the Government of Rwanda on 28 June 2005 under the heading "Exports of cassiterite, for the period 2002-2004":

		Value	
	Quantity (kg)	*Rwandan francs*	*United States dollars*
2004	3 540 048	8 805 642 045	15 247 466
2003	1 443 114	2 398 481 270	4 458 900
2002	649 568	654 634 184	1 377 221

86. Unfortunately, neither the data provided to the Group during its visit to Kigali nor the publicly available records indicate the local production of cassiterite or the quantities imported. In an interview with the Group, the Secretary-General of the Ministry of Finance of Rwanda stated that all exports of cassiterite are from local production. This information was not included in the written material provided to the Group.

D. Assistance from the international community

87. Since the natural wealth of the Democratic Republic of the Congo represents a readily available source of income for Ituri armed groups and their leaders, a solution must be found that deprives them of all opportunities to sponge off the economic activities of the country, while maintaining the highest possible flow of goods and services for the sake of the general population. Unfortunately, in view of a history of accusations of theft, illegal exploitation and slander, a solution has become more elusive than ever.

88. Essentially the international community will have to choose between the constructive approach of creating enhanced traceability systems, and some very difficult embargo systems. Given the size of the country, an export ban of all natural resources from the Democratic Republic of the Congo would be a very costly and difficult measure to enforce. Alternatively, a targeted export ban of natural resources from some neighbouring countries might pose difficult technical challenges. If one could define technical specifications that would separate the Congo-sourced resources from other countries' productions, one might also have as a possible measure a limited embargo against gold exports from Uganda and cassiterite exports from Rwanda, to the extent that they would not test positive for their domestic provenance.

VII. Civil aviation

A. General

89. Pursuant to paragraph 7 of Security Council resolution 1596 (2005), the Group met with the civil aviation authorities of the Democratic Republic of the Congo, Rwanda and Uganda. Despite improved collaboration with the Group, there remain certain areas of opacity in the implementation of the arms embargo.

90. The Group received a number of allegations of weapons deliveries by aircraft into the Democratic Republic of the Congo, including dates, places of transfer and companies involved, but had insufficient time to independently verify those reports. These will be investigated in the next mandate.

91. The Group notes that surveillance capacities among all civil aviation actors in the region, including MONUC, are insufficient.

B. Suspicious incidents

92. The Group remains concerned about irregularities it has documented which indicate that the airspace of the Democratic Republic of the Congo, and that of neighbouring countries, continues to be violated by private aviation companies. Such suspicious incidents warrant further investigation and confirm the validity of the measures imposed by resolution 1596 (2005) regarding civil aviation. For example, the Group was assured during a meeting with Ugandan civil aviation authorities that Volga Air and Air Navette had ceased operations between Uganda and the Democratic Republic of the Congo since the Group's last mandate. However, after examination of conflicting traffic sheets from Uganda and the Democratic Republic of the Congo and additional inquiries, the Group documented that Air Navette operated a return flight between Entebbe and Bunia on 18 June 2005.

93. In another case, an Antonov 28 belonging to Volga Air was grounded in Kigali in March 2005 for airspace violations. The routing of the aircraft was Dubai, Entebbe, Kigali, Bukavu. During inspection on arrival, the aircraft operators provided documentation which indicated that the aircraft had been flying with a double registration, one from Kyrgyzstan, EX-28811, and another from the Democratic Republic of the Congo, 9Q-CES. The Government of Rwanda submitted a report to the sanctions Committee regarding the case, stating that the documents on board were forged and the flight plan was highly suspicious. During its visit to Kigali, the Group asked to review all of the documents but was provided with only partial information. The Group also asked for a meeting with the two crew members and the cargo master, who are currently in custody, a copy of their licences and documents, and permission to inspect the unopened cases aboard the aircraft, but was informed that the requests could not be honoured pending judicial investigations.

94. In addition, the Rwandan civil aviation authorities have de-registered two Antonov 28 aircraft, with Rwandan civil registries 9XR-KA and 9XR-CM. The aircraft both belonged to Comair and were flying with expired documentation. The authorities also stated that the pilots did not carry licences issued by the Rwanda Civil Aviation Authority, and Rwanda has issued a Notice to airmen (Notam) regarding the pilot and the aircraft.

C. Deficiencies due to lack of extension of State authority

95. The civil aviation sector in the Democratic Republic of the Congo is in the same state of disarray as previously reported by the Group. Air safety is not ensured and civil aviation authorities in the eastern part of the country continue to act independently of Kinshasa. The entire sector continues to suffer from the lack of trained expertise and equipment, widespread corruption and inadequate systems management.

96. The Group continues to be concerned about the egregious lack of air safety standards throughout the country, where air traffic continues to increase. There were several aircraft crashes involving aviation companies that the Group has already named as operating without respecting ICAO standards.

97. For example, an Antonov 12 registered as 9Q-CIH crashed on take-off from Entebbe on 8 January 2005. The aircraft was leased from a South African company, Aerolift, and operated by Services Air. Uganda has informed the Group that the final investigation report will be provided upon its completion. An investigation into another accident that occurred on 26 May 2005 in Kindu and cost 26 lives has not yet been concluded. Although the Group awaits the official accident report, preliminary conclusions for the first accident point to technical failure, and for the second incident to an excessive cargo load.

98. The Group was able to inspect airports at Kinshasa and in Ituri district. The Group documented that Kinshasa authorities have yet to regain control over operations in Ituri. Civil aviation authorities in Ituri are under pressure from the Ituri armed groups and do not have the training and qualifications necessary to enforce national regulations. In both Bunia and Aru, the Group observed that officials did inspect incoming and outgoing aircraft, albeit superficially. In order to ensure compliance, the aviation authorities of the Democratic Republic of the Congo must take the initiative to ground aircraft and sanction crews that do not abide by ICAO regulations, as recalled in Security Council resolution 1596 (2005).

99. The Group notes that the Government of the Democratic Republic of the Congo is a beneficiary of technical assistance provided by ICAO and MONUC in the area of air traffic controller training and airport and airstrip infrastructure rehabilitation. Furthermore there is a project to set up a global navigation satellite system that would assist in controlling aircraft movements at 10 airports in the Democratic Republic of the Congo, namely, Bukavu, Bunia, Goma, Kalemie, Kananga, Kindu, Kinshasa, Kisangani, Lubumbashi and Mbandaka.

D. Implementation reports

100. In a letter to the Chairman of the sanctions Committee, the Government of Rwanda submitted an implementation report in accordance with paragraph 20 of resolution 1596 (2005) and included submissions relating to the civil aviation sector on which the Group has followed up. The Rwanda Civil Aviation Authority has also reminded operators of their obligations under article 35 of the Chicago Convention and as stipulated in resolution 1596 (2005). Rwanda has informed the Group that it has inspected all Rwandan-registered aircraft as at 24 April 2005 to ensure such compliance.

101. The Group notes the progress made by Rwanda in strengthening the Department of Inspectors under the Civil Aviation Authority to ensure adequate supervision of aircraft and compliance with resolution 1596 (2005), which resulted in the aforementioned irregularities being uncovered. Security personnel of the Authority are also now deployed at every airport. Further, Rwanda now requires 72 hours advance notice for all incoming flights, and it prevents all airports, civilian and military, from being used by aircraft noted to be in violation of the embargo.

102. Both Rwanda and Uganda provided the Group with a written response to its questionnaires regarding implementation measures in civil aviation. Some questions remain unanswered, however. The Group is still awaiting a response to the written questionnaire submitted to the Democratic Republic of the Congo.

103. According to the written response of Uganda, that country's civil aviation authorities have resumed full management of the airspace, and military aircraft now file flight plans with the Civil Aviation Authority. The Group also notes that radar coverage has been taken over by the Authority, and that plans are being discussed to institute radars at both Entebbe and Nakasongola to cover a greater percentage of Ugandan airspace. Uganda assured the Group that the military apron was no longer being used by commercial entities and that all incoming and outgoing aircraft in Uganda were thoroughly inspected. The Group notes, however, that Uganda failed to notice the irregularity of double registration in the Volga Air incident of March 2005 mentioned above.

E. Regional cooperation

104. The Group was informed that both Uganda and Rwanda have signed agreements with the Democratic Republic of the Congo on bilateral arrangements for the management of aviation sector relations. For instance, Uganda and the Democratic Republic of the Congo signed a memorandum on 24 April 2004 designating entry and exit points in both countries. The Government of Rwanda informed the Group that the pre-existing agreement between them which was disrupted by the conflict was readopted on 3 March 1998.

105. Following the Dar es Salaam Conference calling for greater regional cooperation in civil aviation, Rwanda and the United Republic of Tanzania signed an agreement on better exchange of information pertaining to air traffic services. Both the Economic Community of the Great Lake Countries and the East African Community provide a forum for greater cooperation between States neighbouring the Democratic Republic of the Congo in the area of civil aviation. There are negotiations currently under way in the East African Community to institute the application of international civil aviation standards in the region.

F. Bilateral cooperation

106. The Group would like to stress that the future economic development of the Democratic Republic of the Congo depends on a vibrant civil aviation sector. In order to obtain bilateral technical assistance, the Transitional Government needs to clearly demonstrate that it understands the importance of good safety and security standards in the civil aviation sector. To achieve this, the Government needs to update, resume and finalize the following existing projects:

- The feasibility study for the reorganization of the Civil Aviation Authority with World Bank financing.
- The project for the deployment of the VSAT stations in the Democratic Republic of the Congo by Aéronav, Canada, for the extension of very high frequency coverage and the installation of the navigation aid (Navaids) stations.

- The assistance of the French Direction générale de l'aviation civile for a study by Sofréavia on the second reading of the statutory civil aviation texts.
- The assistance of ICAO for the implementation of the Global Navigation Satellite System procedure at 10 airports, including training for the controllers.

107. ICAO had already drawn up a master plan for the reorganization of civil aviation in the Democratic Republic of the Congo, but it could not be implemented for lack of financing. This master plan must be updated and realized.

108. The projects listed above will require funding. Additional funding sources might be required. The Group has already approached the World Bank, and its officers have agreed to review the projects and possible funding allocations, pending an official request by the Government of the Democratic Republic of the Congo.

109. The Group would like to stress that, to reform the airspace of the Democratic Republic of the Congo, the capacities of the neighbouring States and MONUC need to be strengthened.

VIII. Observations and recommendations

A. Observations

110. The Group is of the opinion that inter-State cooperation in the Great Lakes region is one of the most powerful tools available to counter violations of the arms embargo.

111. The Tripartite Commission and the bilateral Joint Verification Mechanism have done much to improve intergovernmental communication. These forums, however, need to be further supported to enable them to deal with the operational needs of an embargo of this nature. The arms embargo demands a flexible and permanent mechanism for unambiguous information-sharing and cooperative action between States at the tactical and political levels.

112. Inter-State miscommunication may foster misunderstanding and mistrust. While awaiting the normalization of diplomatic relations, the Group considers that a representative, at least at the level of liaison office or Chargé d'affaires, should be envisaged in the capitals of those countries (Rwanda, Democratic Republic of the Congo, Uganda, Burundi) where there is none.

113. Those Governments could also have recourse to a system of special envoys on sensitive issues dealing with either embargo violations or other important problems of common interest.

B. Recommendations

114. The Group recommends the following:

(a) The existing sanctions regime should be maintained until well into the post-electoral period.

(b) Sufficient means should be allocated to MONUC for:

(i) Deployment on the borders and in the airports of the Democratic Republic of the Congo to support existing national customs structures;

(ii) Monitoring of airspace and airport activities.

(c) Enhanced traceability systems for all important natural resources of the Democratic Republic of the Congo should be developed under the direction of the Government and with the participation of Uganda, Rwanda, the World Bank and IMF, regional participants such as the Multi-country Demobilization and Reintegration Programme and the Great Lakes Region Conference, along with relevant industry participants and other interested parties. The Government of the Democratic Republic of the Congo should be required to report on a regular basis to the sanctions Committee about the development and implementation of those systems.

(d) The Government of the Democratic Republic of the Congo should request ICAO to assist in providing the technical expertise necessary to improve national aviation security standards.

(e) The World Bank, ICAO and other multilateral organizations should assist the Transitional Government in developing the capacity of its Civil Aviation Authority.